IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

DIANE M. RITZIE,) Case No. 4:04CV00039
Plaintiff,))) ORDER
v.) <u>ORDER</u>)
) By: Jackson L. Kiser
J & J INVESTMENTS AND SALES, INC.;) Senior United States District Judge
CHAMPION HOME BUILDERS CO.;)
JULIA JAMES and JOHN JAMES,,)
)
Defendants	

On November 23, 2005 Defendants J&J Investments and Sales, Inc., Julia James, and John James ("Defendants") filed nine Motions in Limine [Dkt. Nos. 111, 112] against Plaintiff Diane M. Ritzie ("Plaintiff") in the above-styled matter. A hearing was scheduled on these motions for December 1, 2005, however these motions were not actually argued at the hearing and no new date to argue the motions was ever set. A Pre-Trial Order ("PTO") for this case was entered by this Court on February 15, 2005.

Paragraph five of the PTO states that it is the moving party's obligation to either bring the motion for a hearing or, if both parties agree, to notify the Court that the motion is submitted on briefs. Paragraph five further states in bold and uppercase font that "any motion which is not brought on for hearing or submitted on briefs within 90 days from the date it is filed will be dismissed and the Court will not entertain a renewed motion of the same issue(s) except for good cause."

Defendants have failed to comply with the plain language of the PTO by not setting a

date for hearing their Motions or, alternatively, notifying the Court that the parties have agreed to submit the Motions on briefs within 90 days of filing their Motions. Because more than 90 days have passed since Defendants filed their Motions, I must **DISMISS** Defendants' Motions.

The Clerk is directed to send a copy of this Order to all counsel of record.

Entered this 31st day of March, 2006.

s/Jackson L. Kiser

Senior United States District Judge